

1 ROBERT B. LUECK, ESQ. (SBN 83673)
2 JEFFREY A. CHADIC, ESQ. (SBN 195499)
3 JAMES B. DE LOS REYES, ESQ. (SBN 280350)
4 MICHAEL E. YAKUMITHIS, ESQ. (SBN 310263)
5 BOORNAZIAN, JENSEN & GARTHE
6 A Professional Corporation
7 555 12th Street, Suite 1800
Oakland, CA 94604-2925
Telephone: (510) 834-4350
Facsimile: (510) 839-1897
Email: rlueck@bjg.com
Email: jchadic@bjg.com
Email: myakumithis@big.com

8 | Attorneys for Defendant
PAUL RYAN ASSOCIATES, a California corporation

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

13 TRAVELERS PROPERTY CASUALTY) Case No.: 3:18-cv-00038 EMC
14 COMPANY OF AMERICA, a Connecticut)
corporation,)
15 Plaintiff,) **STIPULATION AND [PROPOSED]**
16) **ORDER TO CONTINUE INITIAL**
vs.) **CASE MANAGEMENT CONFERENCE**
17)
18 PAUL RYAN ASSOCIATES, a California) Complaint Filed: 1/3/18
corporation; and DOES 1 through 50,)
inclusive,)
19)
20 Defendants.)

Plaintiff TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, a Connecticut corporation (“Travelers”) and Defendant PAUL RYAN ASSOCIATES, a California corporation (“Ryan Associates”) by and through their respective attorneys of record hereby stipulate to a continuance of the Initial Case Management Conference in this matter scheduled for April 5, 2018 in Courtroom 5, 17th Floor, San Francisco, California to April 26, 2018, at 9:30 a.m., for the sole, express purpose of allowing counsel for Ryan Associates to participate in a

1 mediation in the underlying San Francisco Superior Court action, *Paul Ryan Associates v. 44*
2 *Normandie, LLC et al.* (Case No. CGC-09-486995) (the “Underlying Action”).

3 1. Due to prior commitments, the mediator only has April 5, 2018 available to conduct
4 the mediation before the commencement of the Phase II jury trial in the Underlying Action.

5 2. The April 5, 2018 mediation in the Underlying Action presents a schedule conflict
6 for Ryan Associates’ counsel. Traveler’s counsel of record is available to attend the April 5, 2018
7 Initial Case Management Conference in this action.

8 3. The scheduled April 5, 2018 mediation likely presents the last, best opportunity to
9 settle the Underlying Action (and possibly resolve the issues in this action) before the
10 commencement of the Phase II jury trial.

11 4. Many of the parties’ insurance representatives set to attend the proposed April 5,
12 2018 mediation will travel to San Francisco from out of state.

13 5. A settlement by any of the remaining seven subcontractors in the Underlying
14 Action may impact the dispute between Travelers and Ryan Associates in this action.

15 6. Travelers and Ryan Associates agree that a continuance of the Initial Case
16 Management Conference would facilitate possible settlement and resolution of some or all of the
17 Underlying Action, and perhaps resolve the issues in this action.

18 7. Travelers and Ryan Associates further agree that they will suffer no prejudice if the
19 Initial Case Management Conference is continued. However, Ryan Associates will suffer
20 prejudice if the continuance is denied because a critical opportunity to settle the Underlying Action
21 will be missed.

22 8. If counsel for Ryan Associates must forego the mediation proceedings in the
23 Underlying Action to attend the Case Management Conference, the mediation will likely be
24 cancelled.

25 9. Accordingly, Travelers and Ryan Associates agree and request that the April 5,
26 2018 Initial Case Management Conference be continued to April 26, 2018, with Travelers and
27 Ryan Associates to complete their Initial Disclosures and file their Case Management Statement

1 and FRCP Rule 26(f) Report at least one week prior to the continued Initial Case Management
2 Conference date.

3 10. If the proposed April 26, 2018 date is inconvenient or unacceptable for any reason,
4 Travelers and Ryan Associates request that the Court set a different date for the Initial Case
5 Management Conference.

6
7 Dated: March 23, 2018

THE AGUILERA LAW GROUP, APLC

8 By: _____/s/ Jason Y. Chao

9 A. ERIC AGUILERA
10 JASON Y. CHAO
11 KELSEY D. LEAL
12 Attorneys for Plaintiff
13 TRAVELERS PROPERTY
14 CASUALTY COMPANY OF AMERICA,
15 a Connecticut corporation

16
17 Dated: March 23, 2018

BOORNAZIAN, JENSEN & GARTHE

18 By: _____/s/ Jeffery A. Chadic

19 ROBERT B. LUECK
20 JEFFERY A. CHADIC
21 JAMES B. DE LOS REYES
22 MICHAEL E. YAKUMITHIS
23 Attorneys for Defendant
24 PAUL RYAN ASSOCIATES,
25 a California corporation

ORDER

The Court, having reviewed the Stipulation to Continue Initial Case Management Conference of Travelers and Ryan Associates and finding good cause, hereby issues an Order to:

4 1. Continue the Initial Case Management Conference from April 5, 2018 at 9:30 a.m.
5 in Courtroom 5, 17th Floor, San Francisco, to April 26, 2018, at 9:30 a.m., with Travelers and
6 Ryan Associates to complete their Initial Disclosures and file their Case Management Statement
7 and FRCP Rule 26(f) Report at least one week prior to the continued Initial Case Management
8 Conference date.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 3/27/2018

